

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RUSSELL S. SHICK,)	
)	Civil Action No. 06 - 929
Petitioner,)	
)	Judge Arthur J. Schwab /
v.)	Magistrate Judge Lisa Pupo
)	Lenihan
JUDGE JOHN H. FORADORA; JEFFERSON)	
COUNTY COURT OF COMMON PLEAS;)	
JEFFERSON COUNTY ADULT PROBATION)	
OFFICE; LARRY STRAITIFF, <i>individually and as</i>)	
<i>Director of Jefferson County Adult Probation;</i>)	
JASON LINGENFELTER, <i>individually and as an</i>)	
<i>agent of the Jefferson County Probation Department;</i>)	
JEFFREY D. BURKETT, <i>individually and as</i>)	
<i>District Attorney for Jefferson County;</i> GREGORY)	
BAZYLAK, <i>Esq., individually and as Assistant</i>)	
<i>Public Defender of Jefferson County;</i> WARDEN)	
DAVID RILEY, <i>individually and as Warden of the</i>)	
<i>Jefferson County Jail;</i> WARDEN DANIEL)	
OGDEN, <i>individually and as Warden of the Jefferson</i>)	
<i>County Jail;</i>)	
)	
Respondents.)	

ORDER

The above captioned case was initiated on July 13, 2007 by the filing of a Motion to Proceed In Forma Pauperis (Doc. No. 1) accompanied by a Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 9), filed on September 24, 2007, recommended that Plaintiff's Complaint (Doc. No. 8) be dismissed in accordance with

the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983. The Plaintiff was served at Jefferson County Prison, 578 Service Center Road, Brookville, PA 15825. After the report was returned, the Court found that Mr. Shick was released on November 16, 2007, without notifying the Court of his change of address. Since the plaintiff never received the report and recommendation and the complaint was never served, no objections to the report have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 31st day of October, 2007;

IT IS HEREBY ORDERED that Plaintiff's Motion to Proceed In Forma Pauperis (Doc. No. 4) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 9) of Magistrate Judge Lenihan, dated September 24, 2007, is adopted as the opinion of the court.

By the Court:

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Russell Shick
Jefferson County Prison
578 Service Center Road
Brookville, PA 15825